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VIA ECF

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Petróleos de Venezuela, et al. v. MUFG Union Bank, N.A., et. al.*, 19-cv-10023 (KPF)

Dear Judge Failla:

We write on behalf of PDV Holding, Inc. (“PDVH”) with an update regarding the parties’ discussions about a potential negotiated resolution of Defendants’ Motion for Order Modifying Partial Stay of Execution of Enforcement (“Motion”), which is fully briefed and pending decision by this Court. *See* ECF Nos. 252-55, 273-75, 280-81, 296. Over the past month, the parties had multiple discussions, both by telephone and in writing.

During the parties’ negotiations,

even though the enforcement of Defendants’ rights in that Pledge is not only stayed by this Court, but also entirely unenforceable under U.S. sanctions that have been in place for more than four years. *See* General License 5M, Authorizing Certain Transactions Related to the Petróleos de Venezuela, S.A. 2020 8.5 Percent Bond on or After January 18, 2024; ECF No. 241 at 7.

On November 29, 2023—

PDVH appreciates that this Court may have deferred consideration of Defendants’ Motion to see if the parties could reach a resolution. PDVH has negotiated in good faith with Defendants for the past four months on this issue. PDVH has spent considerable time and resources on those negotiations and

[REDACTED]

[REDACTED] Plaintiffs therefore request that the Court promptly rule on the pending Motion, and deny it for all of the reasons set forth in Plaintiffs' filings. *See* ECF Nos. 273, 284, 295.

To the extent that this Court believes some additional security is owed to Defendants under Fed. R. Civ. P. 62(b)—notwithstanding that five months have passed since the filing of the Motion to Modify without a single settlement being executed or announced [REDACTED]

[REDACTED] PDVSA and PDVH respectfully submit that no such order is necessary in light of the arguments already briefed. That having been said, to the extent this Court has questions about such an approach, PDVH and PDVSA would be amenable to providing a draft order for the Court's consideration, or to appear at a hearing to discuss the matter.

Respectfully submitted,

s/ Michael J. Gottlieb

cc: Counsel of record for all parties via ECF